

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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REFLEX MEDIA, INC., a Nevada
corporation, et al,

Plaintiffs,

v.

RICHMEETBEAUTIFUL HOLDING LTD.,
a Maltese corporation d/b/a
RichMeetBeautiful.com, et al,

Defendants.

Case No. 2:18-cv-01476-APG-EJY

ORDER

Pending before the Court is RMI's Motion to Compel Discovery Responses, Deem Plaintiffs Requests for Admission Admitted, for Order Requiring Defendants to Show Cause Why Defendants Should not be Held in Default, and to Continue Existing Case Deadlines. ECF No. 57. No response to Plaintiffs' Motion was filed. Plaintiffs' section titled "Relevant Facts" (*id.* at 4-6) is adopted by the Court after review of the docket. Those Relevant Facts are not repeated here excepted as stated below. Also before the Court is RMI's Motion to Continue Existing Case Deadlines (ECF No. 59) to which no response was filed.

On October 8, 2020, the day Defendants' responses to Plaintiffs' discovery were due, the Court entered an Order granting Defendants' counsel's Motion to Withdraw. ECF No. 56. The same Order gave Defendants 30 days to retain new counsel, and 60 days to respond to Plaintiffs' outstanding discovery requests. *Id.* Defendants' discovery responses were due on December 7, 2020. *Id.* Since the Court entered its October 8th Order, no new counsel has made an appearance for Defendants, Defendants have not contacted Plaintiffs, Defendants have not responded to Plaintiffs' contact attempts, and Defendants have not responded to Plaintiffs' discovery. ECF No. 57 at 5. Plaintiffs now seek an order (1) compelling Defendants to respond to Plaintiffs' Interrogatories and Requests for Production, (2) finding the outstanding Requests for Admissions to be deemed admitted, (3) awarding their attorney's fees and costs, and (4) to show cause why Defendants' Answer should not be struck. *Id.* at 6-7.

1 Federal Rule of Civil Procedure 36(a)(3) requires a party served with Requests for
2 Admissions to respond to the Requests within 30 days of service. Rule 36(a)(6) states that a
3 requesting party may move the Court for an order finding that an answer or answers to a Request or
4 Requests does/do not comply with the Rule, which then empowers the Court to deem the Request or
5 Requests admitted. Defendants failed to answer Plaintiffs' Requests for Admission despite a
6 substantial amount of time to do so. The Court therefore exercises its authority and deems all of
7 Plaintiffs' Requests for Admissions admitted.

8 Rule 37(a)(5)(A) allows a Court, upon the filing of a Motion to Compel, to Order payment
9 of fees and costs incurred by the moving party if the Motion is granted. The Motion to Compel
10 responses to Plaintiffs' Interrogatories and Requests for Production is granted. Defendants were
11 properly served with Plaintiffs' Interrogatories and Requests for Production on July 30, 2020. On
12 August 25, 2020, Defendants then-counsel was granted a two week extension of time to respond to
13 the outstanding document requests. In late September 2020, Defendants asked for an extension of
14 time to respond to October 7, 2020. ECF No. 57 at 5. On October 8, 2020, Defendants' counsel
15 withdrew from representation of Defendants. ECF No. 55. Defendants have had almost six months
16 to respond to Plaintiffs' discovery requests, but have failed to do so. Thus, the Court will enter an
17 Order compelling Defendants to respond to Plaintiffs' Interrogatories and Requests for Production
18 no later than February 16, 2021. If no response is received on or before that date, Plaintiffs must
19 notify the Court of the same and renew their Motion for an Order to Show Cause why Defendants'
20 Answer should not be struck and default granted.

21 Accordingly, IT IS HEREBY ORDERED that RMI's Motion to Compel Discovery
22 Responses, Deem Plaintiffs Requests for Admission Admitted, for Order Requiring Defendants to
23 Show Cause Why Defendants Should not be Held in Default, and to Continue Existing Case
24 Deadlines (ECF No. 57) is GRANTED in part and DENIED in part.

25 IT IS FURTHER ORDERED that each and all of Plaintiffs' Requests for Admissions served
26 on Defendants are deemed admitted.

27 IT IS FURTHER ORDERED that Defendants are compelled to respond to Plaintiffs'
28 Interrogatories and Requests for Production of Documents by or before **February 16, 2021**.

1 IT IS FURTHER ORDERED that Plaintiffs are awarded its reasonable attorneys' fees and
2 costs for bringing their Motion to Compel.

3 IT IS FURTHER ORDERED that Plaintiffs shall submit a memorandum of fees and costs
4 incurred in bringing the Motion to Compel (ECF No. 57) detailing the activities, hours spent (in
5 tenths of hours), and the rate charged by each attorney who worked on the Motion. Appropriate
6 redactions from billing records for attorney client privilege and/or work product may be made for
7 the public filing with non-redacted copies of such records filed under seal. Plaintiffs shall submit its
8 memorandum within 14 days of this Order. Defendants shall have **7 days** to file a response, if any
9 is desired. No reply shall be permitted by Plaintiffs.

10 IT IS FURTHER ORDERED that **if Defendants fail to respond to Plaintiffs'**
11 **Interrogatories and Requests for Production of Documents on or before February 16, 2021,**
12 **Plaintiffs shall file a notice with the Court advising the Court of the same and renewing their**
13 **Motion for an Order to Show Cause why Defendants' Answer should not be struck and default**
14 **entered.**

15 IT IS FURTHER ORDERED that RMI's Motion to Continue Existing Case Deadlines (ECF
16 No. 59) is DENIED without prejudice. The Court will consider a request to continue the due date
17 for dispositive motions and a joint pretrial order, but finds there is no basis to otherwise consider
18 existing discovery deadlines.

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20 DATED THIS 26th day of January, 2021.

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23 ELAYNA J. YOUCHAK
24 UNITED STATES MAGISTRATE JUDGE
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